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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,948	01/05/2001	Ranjit Bhatia	27943-00403USPT	4503

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PLANO, TX 75024

EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/755,948	Applicant(s) BHATIA ET AL.	
	Examiner Hassan Phillips	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. This action is in response to remarks received on November 3, 2004.
2. The finality of the rejection of the last Office Action is withdrawn since the reference used by the Examiner, Gledje U.S. Patent Pub. 2002/0032771, is disqualified as prior art under 35 U.S.C. 103(c).
3. Applicant's arguments with respect to claims 37-40 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owensby, U.S. Patent 6,647,257 in view of Calvert, U.S. Patent 6,526,275 (provided by Applicant).

3. In considering claim 37, Owensby teaches a method of providing unsolicited content information from a content provider to a mobile telecommunications device 12 operating in a mobile telecommunication system, said method being performed in a Business-to-Business (B2B) engine 20 connected to the telecommunication system, and comprising the steps of:

The B2B engine providing content information from the content provider to the mobile telecommunications device whenever the telecommunication system reports a triggering event associated with the mobile telecommunications device; receiving from the telecommunication system, a report of a triggering event associated with the mobile telecommunications device; notifying the B2B engine that the telecommunication system has reported a triggering event associated with the mobile telecommunications device; and, forwarding the content information to the mobile telecommunications device, (col. 11, lines 18-50).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose: A content provider subscribing with the B2B, to be notified when to provide the content information.

Nevertheless, in a similar field of endeavor, Calvert teaches a method for informing a user of a communication device where to obtain a product comprising:

Content providers subscribing with a B2B engine 109 in order to be notified when the telecommunication system reports a triggering event associated with a mobile telecommunications device, (col. 8, lines 22-27);

Content providers providing content information in response to being notified by the B2B engine, (col. 9, lines 35-38).

Thus, given the teachings of Calvert, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the steps of receiving a subscription from the content provider, and receiving content information from the content provider in response to the notifying step. This would have provided a means for delivering content information to the mobile telecommunications device upon a triggering event associated with the mobile telecommunications device, with the burden for delivering the content information placed on the content provider instead of the B2B engine. In doing so this would have also allowed for greater flexibility in choosing, by the content provider, exactly what type of content should be sent to the subscriber, Calvert, col. 9, lines 38-67.

4. In considering claim 38, Owensby further teaches:

The triggering event being a location area change update by the mobile telecommunications device, (col. 12, lines 4-37).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose the triggering event being: A power-on registration or periodic update by the mobile device.

Nevertheless, power-on registrations, and periodic updates by the mobile device are field of use limitations and not patentable distinction.

Furthermore, given the teachings of Owensby, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the triggering events further including power-on registration, or periodic update, by the mobile telecommunications device. Such events were well known in the art at the time of the present invention and would have provided more versatility in the method of delivering unsolicited content information to the mobile telecommunications device as taught by Owensby.

5. In considering claim 39, Owensby teaches a method of providing unsolicited service to a mobile telecommunications device operating in a mobile telecommunication system, said service being based on real-time information related to the mobile telecommunications device 12, said method being performed in a Business-to-Business (B2B) engine 20 connected to the telecommunication system, and comprising the steps of:

The B2B engine providing content information from the content provider to the mobile telecommunications device whenever the telecommunication system reports a triggering event associated with the mobile telecommunications device; providing to the telecommunication system, a mobile identification number identifying the mobile telecommunications device; receiving from the telecommunication system, subscriber information related to the mobile telecommunications device, the subscriber information including subscriber preferences relating to the service; receiving from the telecommunication system, a report of a triggering event associated with the mobile

Art Unit: 2151

telecommunications device; notifying the B2B engine that the telecommunication system has reported a triggering event associated with the mobile telecommunications device; and, forwarding the content information to the mobile telecommunications device, (col. 15, lines 32-67, and col. 16, lines 1-21).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose: A content provider subscribing with the B2B, to be notified when to provide the content information.

Nevertheless, in a similar field of endeavor, Calvert teaches a method for informing a user of a communication device where to obtain a product comprising:

Content providers subscribing with a B2B engine 109 in order to be notified when the telecommunication system reports a triggering event associated with a mobile telecommunications device, (col. 8, lines 22-27);

Content providers providing content information in response to being notified by the B2B engine, (col. 9, lines 35-38).

Thus, given the teaches of Calvert, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the steps of receiving a subscription from the content provider, and receiving content information from the content provider in response to the notifying step. This would have provided a means for delivering content information to the mobile telecommunications device upon a triggering event associated with the mobile telecommunications device, with the burden for delivering the content information placed on the content provider instead of the B2B engine. In doing so this would have also allowed for greater flexibility in choosing, by

Art Unit: 2151

the content provider, exactly what type of content should be sent to the subscriber, Calvert, col. 9, lines 38-67.

6. In considering claim 40, Owensby teaches a Business-to-Business (B2B) engine 20 for providing unsolicited content information from a content provider to a mobile telecommunications device 12 operating in a mobile telecommunication system, said B2B comprising:

Means for the B2B engine to provide content information from the content provider to the mobile telecommunications device whenever the telecommunication system reports a triggering event associated with the mobile telecommunications device; a first interface module for communicating between the B2B engine and the mobile telecommunication system, said first interface module including means for receiving from the telecommunication system, a report of a triggering event associated with the mobile telecommunications device, and means for sending to the mobile telecommunications device, content information received from the content provider; and, a second interface module for communicating between the B2B engine and the content provider, and responsive to receiving a report of a triggering event from the telecommunication system, notifying the B2B engine that the telecommunication system has reported a triggering event associated with the mobile telecommunications device, and forwarding the content information to the mobile telecommunications device, (col. 11, lines 18-50, also see Fig. 3).

Although the disclosed method of Owensby shows substantial features of the claimed invention, it fails to expressly disclose: A content provider subscribing with the B2B, to be notified when to provide the content information.

Nevertheless, in a similar field of endeavor, Calvert teaches a method for informing a user of a communication device where to obtain a product comprising:

Content providers subscribing with a B2B engine 109 in order to be notified when the telecommunication system reports a triggering event associated with a mobile telecommunications device, (col. 8, lines 22-27);

Content providers providing content information in response to being notified by the B2B engine, (col. 9, lines 35-38).

Thus, given the teaches of Calvert, it would have been obvious to one of ordinary skill in the art to modify the teachings of Owensby to show the steps of receiving a subscription from the content provider, and receiving content information from the content provider in response to the notifying step. This would have provided a means for delivering content information to the mobile telecommunications device upon a triggering event associated with the mobile telecommunications device, with the burden for delivering the content information placed on the content provider instead of the B2B engine. In doing so this would have also allowed for greater flexibility in choosing, by the content provider, exactly what type of content should be sent to the subscriber, Calvert, col. 9, lines 38-67.

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (571) 272-3940. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/
11/15/04


ZARNI MAUNG
PRIMARY EXAMINER